

## **REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS**

**April 4, 2016**

The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present was Auditor, Kimberly K. Grow; Deputy Auditor, Donna J. Horner; Highway Engineer/Supervisor, Jack R. Haberlin and the Attorney who represents the Commissioners, Eric Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Jeff Phillips, a Veteran of the U.S. Navy.

**CLAIMS:** Mr. Maxwell made the motion to approve the claims as submitted. Mr. Walstra seconded and the motion carried.

**PAYROLL CLAIM & ALLOWANCE DOCKETS:** Mr. Walstra made the motion to approve the Payroll Claim & Allowance Dockets for the check dates equal to March 15, 2016 and March 30, 2016. Mr. Maxwell seconded and the motion carried.

**MINUTES:** Mr. Walstra made the motion to approve the Minutes of the Regular Meeting held on March 7, 2016. Mr. Maxwell seconded and the motion carried.

**BURIED CABLE:** Mr. Walstra made the motion to approve the following buried cable permits submitted by Centurylink. Mr. Maxwell seconded and the motion carried.

### **CENTURYLINK**

- |               |                                                                                                                                                 |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| ACT # 3185737 | For the purpose of replacing a buried service wire that cannot be repaired in Walker Township. There is no tile in the area. (Permit #717)      |
| ACT # 535511  | For the purpose of burying new buried service wire for new service in Barkley Township. There is tile in the area. (Permit #718)                |
| ACT # 073338  | For the purpose of relocating cable for Jasper County Bridge #123 reconstruction in Union Township. There is no tile in the area. (Permit #719) |

**BURIED CABLE / INDIANA FIBER NETWORK:** Mr. Haberlin submitted a buried cable permit for Indiana Fiber Network. Indiana Fiber Network will be running fiber optic service to the hospital. The length is 30,200 feet and will include 50 bores. After some discussion, the decision was made to hold off on approval in order to give Attorney Beaver some time to review the application. Mr. Culp stated that we want to make sure that there are some safeguards in there for the County if they are going to be utilizing that much of our right-of-way.

**NIPSCO / COUNTY RD 250E PROJECT:** Kevin Sayers, Turning Point, was present to provide an update on the plans for the CR 250E project. The surveyed plans were displayed and reviewed. After review, Mr. Maxwell made the motion to approve the plans as presented by Turning Point for the vacation of CR 250E. As part of the motion, NIPSCO will also be responsible for paying for any legal fees incurred by the County. Attorney Beaver clarified that "legal fees" would include the cost of bidding, contracting, and anything else involved with the project through the completion of the county road. Mr. Walstra seconded and the motion carried.

**PERMISSION TO REPLACE PART-TIME EMPLOYEE / ANIMAL CONTROL:** Mark Sinclair, Animal Control Director, requested permission to replace the part-time employee that works weekends and holidays. The employee would work eight (8) hours per week as well as holidays. Mr. Walstra made the motion to approve the replacement of the part-time position. Mr. Maxwell seconded and the motion carried.

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TRAP RENTAL AGREEMENT / ANIMAL CONTROL: Mr. Sinclair presented a new policy in regards to the rental of animal traps. Animal Control does not have the time or manpower to go out, set and check traps every day. A trap rental agreement would allow citizens to rent a trap from Animal Control. A \$35.00 deposit would ensure that the trap is returned to the shelter. Attorney Beaver stated that a user deposit fund would need to be established for the designated purpose of holding the deposit for security. An ordinance would be needed in order to establish this fund. Mr. Culp asked if the individual would be responsible for taking care of the animal once it's in the live trap? Mr. Sinclair replied that Animal Control would get the call to take care of the animal. The agreement states that if the animal is considered wildlife, the individual will be charged if Animal Control has to respond to release it. Mr. Culp asked if there was any extra liability/exposure that is going to go along with this? Attorney Beaver replied that we would need to draw up some sort of lease agreement stating that the person who would be obtaining the trap would be using it in a lawful manner. I don't see there being too much of an issue from a liability standpoint. Both Mr. Maxwell and Mr. Culp expressed concern with dealing with wildlife. Mr. Sinclair stated that the shelter does not currently have a policy in regards to wildlife. Mr. Sinclair replied that either decision the Commissioners make, whether it's yes or no, will give him a clear cut direction. Mr. Culp stated that to him this goes another step beyond what I think Animal Control is set out to do. The decision was made to not proceed with the trap rental agreement.

FAX LINE / ANIMAL CONTROL: Mr. Sinclair stated that they have a new copy machine that is set up to receive a fax; however, we only have one dedicated phone line. The fax machine that we currently use requires us to switch the phone line to the fax machine when we need to send a fax. Mr. Walstra made the motion to approve the additional fax line for the shelter. Mr. Maxwell seconded and the motion carried.

DOG EXERCISE AREA / ANIMAL CONTROL: Mr. Sinclair requested permission to install a dog exercise area. The area will be approximately 40'x 50'. Two (2) estimates were obtained in the amount of \$10,000.00 and \$11,000.00. Due to the high cost, Mr. Sinclair obtained prices for the materials only. To purchase the material and install the fence ourselves would be approximately \$1,800.00. The cost will be paid for out of the Donation Fund. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

LITTLE COUSIN JASPER FESTIVAL: Pat Fox, Little Cousin Jasper Festival Committee, was present to request permission to hold the Little Cousin Jasper Festival again this year. The festival will take place on September 9, 10, and 11. Mr. Walstra made the motion to approve the use of the grounds for the festival. Mr. Maxwell seconded and the motion carried.

BURIED CABLE / INDIANA FIBER NETWORK CON'T: Mr. Haberlin stated that he spoke with the representative from Indiana Fiber Network. Mr. Maxwell stated that he would like verification that it's 48" deep. Can we require that they trench it rather than plow it? Attorney Beaver stated that he does not see anything within the application regarding a bond. That section was left blank within the application. The permit does allow the county to impose a bond requirement as part of the permit. Mr. Culp suggested that someone attend the May meeting due to all of the special requirements being discussed.

AMENDMENT / JASPER COUNTY UNIFIED DEVELOPMENT ORDINANCE: Continued from the March meeting was the discussion regarding the wind turbines and the area required around the Jasper Pulaski Fish and Wildlife Preserve (JP). Mr. Culp stated that he personally feels that we should leave it at four (4) miles. Mr. Culp asked if there were DNR requirements? Bryan Overstreet, Purdue Extension, replied that he has not found any. Mr. Culp suggested that if you wanted to square off the area, you could go to CR 400N and CR 100W. After further discussion, Mr. Maxwell made the motion to change the west boundary around the Jasper Pulaski Fish and Wildlife Preserve to CR 100W and the north boundary to CR 400 N. Mr. Walstra seconded and the motion carried.

BURIED CABLE / INDIANA FIBER NETWORK CON'T: Mr. Haberlin reported that he has once again spoken with a representative from Indiana Fiber Network. They normally would bore; however, trenching would not be a problem. The job will probably take approximately 2 weeks whether they bore or trench. The 3-year bond will not be an issue. The clean-up and the settling is always a lot messier with the trenching.

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BURIED CABLE / INDIANA FIBER NETWORK CON'T: Mr. Maxwell made the motion to approve the following buried cable permit submitted by Indiana Fiber Network. The cable will need to be bored with the depth on the ditches at 5' under the bottom. A 3-year bond equal to 10% of the total value of the overall project is also required. Mr. Walstra seconded and the motion carried.

INDIANA FIBER NETWORK:

ACT #80-066                      For the purpose of running fiber optic service to Jasper County Hospital (Franciscan Health) in Marion Township. There is tile in the area. (Permit #720)

CLAIM / SHERIFF: Mr. Culp had a question for Sheriff Risner in regards to a claim from Kimberly A. Miller in the amount of \$5,500.00 in regards to question and answer development testing for employment applicants. Is that for employment? Sheriff Risner replied that they met Ms. Miller through the Indiana Sheriff's Association. Ms. Miller is developing a series of questions to comply with fair labor hiring practices.

SHERIFF / PERMISSION TO HIRE: Sheriff Risner stated that they have had a transportation officer from the Corrections Division recently retire and one of the Courthouse Security Officers has also submitted his resignation. There will also be at least one road deputy position (possibly two) opening up in April. Permission was requested to refill all of the positions. Mr. Maxwell made the motion to allow the Sheriff to have the authority to refill up to three (3) full-time positions and one (1) part-time position. Mr. Walstra seconded and the motion carried.

PARADE & USE PERMIT: Sheriff Risner reported that Porter County had a situation a couple of weeks ago that had to deal with some civil unrest issues. A rap artist came in with the intended purpose of causing problems. The Sheriff of Porter County started reviewing ordinances they had that required them to be bonded, insurance for a large gathering, and/or anything of this nature. Porter County really didn't have anything on the books. They ended up bringing in a lot of outside agency assistance. This is something we may want to consider getting ahead of. Attorney Beaver stated that he did receive a telephone call last week from the State Police asking if we had anything on our books. The County's Parade and Use Ordinance entails someone wanting to use county property or do a route through the county for a parade. In looking through the ordinance, it defines the word "parade" to cover everything. We need to "untwist" the wording so that those who wish to hold a gathering at the gazebo do not need to refer to it as a parade. Attorney Beaver will continue to review.

SECURITY / EXTENDED VOTING HOURS: Sheriff Risner stated that he has had a request from the Clerk's office for security during the extended voting hours. Jen Rusk, Courthouse Security, will be handling the schedule.

COUNTY-OWNED STRIP OF LAND / HURST: Traci Hurst was present in regards to a 20' section of land that is owned by Jasper County. While attending the December 22, 2014 Commissioners' meeting, Ms. Hurst stated that she was given assurance that her property would not be landlocked because it is a permanent easement. After the meeting, Ms. Hurst received a letter from Mary Scheurich, Director / Planning & Development, stating that she could get a building permit as long as she met County Zoning and Health Department rules. They are now telling me that I have to buy the 20' easement before I can get a building permit. Ms. Hurst stated that the first time that bids were taken she was told that if no bids were received, the piece would be deeded to her; therefore, she did not bid on the property. Mr. Culp explained that the thought was the Ms. Hurst would submit a bid and then, of course, we did not receive a bid. We had to go through a lot of legal process and advertising just to sell that 20' strip so now we have expense in it. Attorney Beaver stated that the notices will need to be resent. It was decided at the last meeting that the minimum bid will at least cover the County's expenses. We never would have taken the position that if no one were to bid, we would just give you the property. Mr. Culp stated that the new notices will list the minimum bid. Mr. Culp informed Ms. Hurst that she will need to bid this time.

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ORDINANCE CODIFICATION: Attorney Beaver reviewed his “Analysis of Proposals Submitted in Response to Request for Proposals for the Updating of the Jasper County Code of 1983”. Two companies, American Legal Publishing Corporation and Code Publishing Company tendered proposals. After review, Attorney Beaver provided the following conclusion: Both companies are qualified to carry out the project. The companies have similar pricing but slight differences in the companies pricing of packages makes it unclear which company offers the lower price. Print products are similar. Code Publishing has the superior online product. Code Publishing Company has optional online features, for additional cost, that are useful. Attorney Beaver would recommend Code Publishing based on the superior online product. Both companies do give the option of including the Unified Development Ordinance in the code. American Legal would charge \$5,500.00 for this service. Code Publishing would charge \$2,000.00 for this service. Mr. Walstra made the motion to employ Code Publishing to update the Jasper County Code of 1983. Mr. Maxwell seconded and the motion carried. Attorney Beaver requested clarification on whether or not the Unified Development Ordinance would be included. Mr. Culp stated that he would like to take this to the GIS Committee. The decision was made to proceed with the project. The decision to include the UDO will not be made until after the GIS meeting.

ROADWORK / LISTS DISTRIBUTED: Gail Ackerman, Assistant Supervisor / Highway Department, distributed the list of roads that the district men would like taken care of this year. Ms. Ackerman explained that the first set is the list of roads that they would like to see ground. There are a few that, once grounded, they would like to see paved rather than chip and sealed. The list also includes a set of roads for possible chip and seal and a set of roads for possible paving.

ORDINANCE / USE OF DRONES ON COURTHOUSE LAWN CON’T: Attorney Beaver reported that he will be attending a continuing legal education seminar in the month of May that is based on municipal law. One of the topics that will be discussed is in regards to drone law. Once Attorney Beaver attends this seminar, he will continue work on the drone issue around the courthouse as well as other county properties.

FROST LAW ORDINANCE / DISCUSSION: During last month’s meeting, the question has come up about having permits issued for businesses that were willing to bond certain sections of the road. Stace Pickering, Consolidated Insurance, has provided a few different examples of bonds. There isn’t any possible way that we would be able to change the ordinance and start issuing permits before this year’s frost law expires. One issue that we will need to address is what if we have two businesses that are close by each other that would share some or all of the same stretch of road. Would we have them sign on the same bond or would we have them share bonds? This is something that we will need to address as part of the ordinance and the permitting process. After further discussion, Mr. Culp asked if we could have a written agreement with the company where they would either pay or we would withhold it from their taxes? Is that something we could legally do? Attorney Beaver replied that he did not know; however, we do have time to work on some of these questions.

CONCERNED CITIZEN / MARKLAND: Hans Markland, concerned citizen, asked if the Commissioners were going to take any action on the Writ of Certiorari regarding the gun club up north? Mr. Culp asked Attorney Beaver if that would be up to the BZA Attorney if something hasn’t been followed? Attorney Beaver replied that Mr. Walstra was going to take the request to Mary Scheurich, Director of Planning & Development. Attorney Beaver was not given a copy to review. Mr. Culp stated that he would check with Ms. Scheurich and get back with Mr. Markland.

Another problem are the people that are off roading and tearing up the fields. We need some protection. Two years ago, Mr. Markland caught a vehicle stuck in his field. The Sheriff’s Department was called and a report was taken. A copy of the report was submitted to be entered into the minutes. Mr. Markland expressed his dissatisfaction that nothing was done in regards to the trespassing by either the Sheriff’s Department or the Jasper County Prosecutor.

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POLLING PLACES / 2016 PRIMARY ELECTION: Mr. Maxwell made the motion to approve the polling locations for the 2016 Primary Election for the voters of Jasper County as submitted by Vickie Bozell, Jasper County Clerk. Mr. Culp seconded and the motion carried.

CONFLICT OF INTEREST: Mr. Maxwell made the motion to approve a Conflict of Interest submitted for Abigail Todd, Animal Shelter. Mr. Culp seconded and the motion carried.

COUNTY DUMPSTERS: Mr. Maxwell made the motion to approve the proposals submitted by Republic Services for the dumpsters located at the Sheriff's Department, Highway Garage, and Courthouse. Mr. Culp seconded and the motion carried.

HEALTH DEPARTMENT / TRAINING: Michelle Taylor, County Sanitarian, would like permission to take the Serv Safe Exam in Lafayette on June 7. The certificate is required and is good for five years. The cost of the exam is \$145.00. The county car will be used if available. Mr. Maxwell made the motion to approve the training. Mr. Culp seconded and the motion carried.

EXTENSION / SPRING CONFERENCE: Bryan Overstreet, Anna William and Alice Smith will be attending the Indiana Extension Educator Association Spring Conference in French Lick on April 18<sup>th</sup> and 19<sup>th</sup>. Costs include lodging for two (2) nights at \$134.77 per night/per person, registration fee of \$85.00 per person and mileage. Monies from the professional improvement line item (County General Fund) will be used to help pay for this program. Mr. Maxwell made the motion to approve. Mr. Culp seconded and the motion carried.

PROSECUTOR / CHILD SUPPORT CONFERENCE: Christine Haskell, Prosecutor, has advised that Kim Hitchcock, IV-D Director; Ashley Clark, Case Manager; and Joe Morrison, Deputy Prosecuting Attorney are planning on attending the annual Indiana Child Support Conference in Merrillville on June 15<sup>th</sup> through June 17<sup>th</sup>. The agenda has not been released at this time. The purpose of the event is to be updated on any changes to Child Support and interact with other departments and personnel within IV-D enforcement. Lodging and other expenses will be paid from the IV-D Reimbursement account. Mr. Maxwell made the motion to approve. Mr. Culp seconded and the motion carried.

COMMUNITY CORRECTIONS / CONFERENCE: William Wakeland, Director / Community Corrections, has advised that Melinda Scheffer, Work Release Supervisor, and himself will be attending the IACCAC Spring Conference in Lafayette on May 11<sup>th</sup> and May 12<sup>th</sup>. The cost of the training (\$90.00 per person) and meals will be paid out of Project Income. Mr. Maxwell made the motion to approve. Mr. Culp seconded and the motion carried.

**AFTER THE JASPER COUNTY DRAINAGE BOARD MEETING:**

FIDLAR MONARCH PRODUCT / RECORDER: Beth Warren, Recorder, explained that from the time she has been in office, she has been trying to implement a program called Monarch which is offered by Fidar, our current company; however, Attorney Beaver has not been satisfied with the contract. The contract reads that Fidar would do all the work including the addition of the watermark. The County would receive \$.07 per image and Fidar would charge an extra \$.03 per image. The law states that \$.07 per image is all we can charge. It also states that the actual cost does not include labor costs and overhead costs. Attorney Beaver has expressed concern that the law states that you can only charge \$.07 per image. After further discussion, the decision was made to contact Attorney Beaver and express that the Commissioners would like for him to take another look at the contract with Fidar.

ROAD FUNDING PROJECTS: Mr. Culp stated that a presentation regarding the road funding projects will be given at the next Council meeting. Discussion took place. In response to a question from Mr. Culp, Mr. Haberland replied that the typical lifespan for a paved road is 14 years and the typical lifespan for chip and seal is seven years. The ballpark figure last year to chip and seal was \$39,000.00. The cost to pave is \$80,000.00. In response to a question from Mr. Walstra, Mr. Culp replied that the \$6.1 million we will be receiving this year should come in one lump sum. We will receive \$4.5 million to use on roads without Council approval. Mr. Maxwell stated that we are need of approximately \$500,000.00 in new equipment. Some of the items needed are a new payloader, tractor, tandem truck, pick-up truck, and a road grader.

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AUDITOR / CONFERENCE: Permission was requested for Kimberly Grow, Auditor; Linda Armstrong, Deputy Auditor; and Shannon Kellner, Deputy Auditor to attend the 2016 Auditor's Spring Conference to be held May 24<sup>th</sup> – May 27<sup>th</sup>. Costs include a registration fee of \$200.00 per person, hotel fees, and some meals. Mr. Maxwell made the motion to approve the request with up to three (3) nights of lodging. Mr. Walstra seconded and the motion carried.

BLACKTOP / CR 700N: Mr. Walstra stated that Bos Dairy has obtained a bid from Town & Country for \$70,000.00 to blacktop a ½ mile on CR 700N. They have requested that the County split the cost with them. Mr. Walstra stated that he has no problem taking the money from his list. After further discussion, the decision was made to proceed.

There being no further business, Mr. Maxwell made the motion to continue the meeting until Monday, April 18, 2016 at 8:30 a.m. on an as needed basis only. Mr. Walstra seconded and the motion carried.

JASPER COUNTY BOARD OF COMMISSIONERS:

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Kendell Culp, President

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James A. Walstra, Vice President

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Richard E. Maxwell, Member

ATTEST:

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Kimberly K. Grow, Auditor of Jasper County

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